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14 *Colorado Casualty Insurance Company*

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF ARIZONA

17 MICHAEL and KATHY HANNAPPEL,
18 husband and wife,

19 Plaintiffs,

20 vs.

21 COLORADO CASUALTY
22 INSURANCE COMPANY, a foreign
23 insurer,

24 Defendant.

No. CIV 12-02601-PHX-SRB

**DEFENDANT COLORADO CASUALTY
INSURANCE COMPANY'S
OBJECTIONS TO PLAINTIFFS' RULE
26 EXHIBIT DISCLOSURES**

[Fed. R. Civ. P. 26(a)(3)(B)]

**OBJECTIONS TO PLAINTIFFS' IDENTIFIED WITNESSES, DEPOSITION
TESTIMONY AND EXHIBITS**

Pursuant to Federal Rule of Civil Procedure 26(a)(3)(B), defendant Colorado Casualty Insurance Company ("Colorado Casualty") hereby objects to the admissibility of certain witnesses, deposition testimony and trial exhibits disclosed by plaintiffs Michael and Kathy Hannappel ("Plaintiffs") as follows:

Objections to Witnesses

Colorado Casualty submits the following objections to witnesses identified by Plaintiffs that will or may be offered at trial:

7. Terri Carpenter
Debbie Stringer
18275 N. 59th Ave., Suite 162, Bldg. K
Glendale, Arizona 85308

Colorado Casualty objects to these two witnesses as being cumulative in violation of Federal Rule of Evidence 403, which prohibits the needless presentation of cumulative evidence. Plaintiffs do not need to designate two employees from Paseo Family Practice, in addition to Dr. Tartaglia-Kean (witness #6 identified by Plaintiffs), to discuss medical records.

8. John J. Kresl, M.D., PhD.
Phoenix Cyber Knife & Radiation Oncology
4611 E. Shea Blvd., Suite 120
Phoenix, Arizona
602-441-3845

Colorado Casualty objects to this witness on the grounds that he lacks personal knowledge to testify about the matters described in Plaintiffs' disclosure, in violation of Federal Rules of Evidence 602 and 901. The witness's testimony is also

1 irrelevant under Federal Rule of Evidence 401 and improperly cumulative, in
2 violation of Federal Rule of Evidence 403.

3
4 14. Ted Hannappel
7139 W. Rue De La Mar
5 Peoria, Arizona 85381
602-339-1795

6
7 15. Gary Hannappel
1163 W. Dove Tree Avenue
8 San Tan Valley, Arizona 85140
602-339-7480

9
10 16. Debbie Hannappel
P.O. Box 1275
11 35339 South Pinnacle Place
Black Canyon City, Arizona 85324
12 602-463-2090

13 17. Leslie Rohrdanz
14 CA
916-390-7140.

15 18. Carol Adamo
16 26036 N. 11th Avenue
17 Phoenix, Arizona
602-256-4486

18 Colorado Casualty objects to these five witnesses as being cumulative
19 in violation of Federal Rule of Evidence 403, which prohibits the needless
20 presentation of cumulative evidence. Plaintiffs do not need to designate five
21 character witnesses to discuss Plaintiffs' trustworthiness and other characteristics.
22 The proffered testimony is also irrelevant under Federal Rule of Evidence 401.
23 Colorado Casualty also objects to these witnesses on the grounds that they lack
24 personal knowledge to testify about the matters described in Plaintiffs' disclosure, in
25 violation of Federal Rules of Evidence 602 and 901
26
27
28

1 **Objection to Deposition Testimony**

2 Pursuant to Federal Rules of Civil Procedure 32(b) and 26(a)(3)(B),
3 Colorado Casualty hereby objects to the introduction at trial of the deposition testimony of
4 Kristen Gulstrom and Alicia Aros Beausoleil (formerly Alicia Aros). Under Federal Rule
5 of Civil Procedure 32(a), a party may only introduce a witness' deposition testimony in
6 place of live testimony when the witness is unavailable to testify at trial. F.R.Civ.P. 32(a).
7 Colorado Casualty intends to make these two witnesses available for trial, as is evident
8 from Colorado Casualty's Rule 26(a)(3) disclosure, and plaintiff may therefore only use
9 the deposition transcripts to impeach the witnesses' live testimony. Colorado Casualty
10 objects to plaintiff using the deposition testimony of Ms. Gulstrom or Ms. Aros Beausoleil
11 for any reason other than solely for impeachment.

12
13 Colorado Casualty also reiterates its objections, as noted on the record, to
14 specific questions asked by Plaintiffs' counsel. Many of the questions were objectionable
15 as to form, assumed facts not in evidence, were compound, were vague and/or ambiguous,
16 and/or were otherwise deficient. Colorado Casualty reasserts the objections that counsel
17 noted on the record during the live deposition.

18
19 **Objections to Exhibits**

20 Colorado Casualty submits the following objections to exhibits identified by
21 Plaintiffs that will or may be offered at trial. The discovery cut-off has not passed as of the
22 date of this filing. Colorado Casualty's objections to exhibits based on foundational
23 grounds could potentially be remedied by further discovery. Moreover, Plaintiffs do not
24 disclose their use for each identified document (nor were they required to), giving rise to
25 many potential hearsay objections. For example, many of the identified medical records
26 contain physicians' opinions, which were based on statements made by Mr. Hannappel.
27 These documents contain multiple levels of hearsay for which there is no exception.
28 Colorado Casualty, in an abundance of caution, submits its objections based on the

1 assumption that all documents are offered for the truth of the matter asserted therein, so as
 2 to preclude any argument that its objections have been waived.

Plaintiffs' Exhibit Description	Objection & Grounds
Fax to Gulstrom – TOCA 10/26/11 CCAS-CF 00001-00002	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Plaintiff Michael Hannappel's medical condition that could potentially be offered for their truth
Hannappel –Doc Request to Gulstrom & Resp 00003-00004	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The email exchange contains hearsay statements that could potentially be offered for their truth
Hannappel –Tartaglia Progress Note “on job injury” rec’d 10/31/11 00005-00006	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Plaintiff Michael Hannappel's medical condition that could potentially be offered for their truth
Hannappel – NCS claim denied 00007	No Objection
Corres – Gulstrom to Hannappel RE: denial 0008	No Objection
Hannappel – Transcript of Recorded Statement of Michael Hannappel Recorded Statement of Michael Hannappel Produced by Defendant on 12/10/13 00009-00027	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) – The recorded statement and transcript contain hearsay statements by Mr. Hannappel that could potentially be offered for their truth; Relevance (FRE 401) – Page 00009 is an unrelated email relating to a different recorded statement.

Plaintiffs' Exhibit Description	Objection & Grounds
Daniel Clem – Transcript of Recorded Statement of Daniel Clem Recorded Statement of Daniel Clem Produced by Defendant on 12/10/13 00028-00032	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The transcript contains hearsay statements by Mr. Clem that could potentially be offered for their truth.
Kaiser Fax to Gulstrom – Kaiser job description, KCI doors, OT memo, lite duty 00033-00039	Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's work-related injury that could potentially be offered for their truth.
Corres – Kaiser to Hannappel RE: Overtime 00040	Hearsay (FRE 801) - The document contains hearsay statements about Mr. Hannappel's job performance that could potentially be offered for their truth.
Hannappel – Light Duty 00041	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth.
Fax to Kaiser – Re: Shoulder update off work 00042-00043	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth.
Email cover sheet for time cards and daily logs 00044	Hearsay (FRE 801) - The email contains hearsay statements that could potentially be offered for their truth.
Email- MRI report 00045	Hearsay (FRE 801) - The email contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth.
Hannappel – Kaiser Construction Daily Logs 00046-00052	Hearsay (FRE 801) - The document contains hearsay statements regarding scheduling and attendance that could potentially be offered for their truth.

Plaintiffs' Exhibit Description	Objection & Grounds
Hannappel – Tartaglia Progress Note “work related” 00053-00054	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel’s medical condition that could potentially be offered for their truth
MRI date stamped 10/14/11 00055-00057	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel’s medical condition that could potentially be offered for their truth
Hannappel Fax to Gulstrom fax stamped RE: 10 years employment 00058-00059	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel’s employment that could potentially be offered for their truth
Hannappel Fax to Gulstrom Re: Multiple Docs 00060	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Hannappel – Light duty 00061-00062	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel’s medical condition that could potentially be offered for their truth
Tartaglia – Hannappel MRI 00063-00065	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel’s medical condition that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Kaiser – Job Description: Superintendent 00066-00068	Hearsay (FRE 801) - The document contains hearsay statements relating to Kaiser's job description that could potentially be offered for their truth.
Hannappel Fax to Gulstrom Re: updated work restrictions (Off Duty) fax stamped 00069-00070	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Hannappel – Gulstrom hand notes 00071	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Fax to Gulstrom – TOCA Records 1/6/12 00075-00084	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Hannappel — NCS claim approved 00085	No Objection
Hannappel — Average Monthly Wage Calculation of Carrier 00086	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Hannappel — Light Duty (2 weeks) 00087	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Hannappel — Off Duty till further Evaluation 00088	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Tartaglia — Records date stamped 01/06/12 00091-00096	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
UPS— Shipment Label 00096	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action
Tartaglia - Hannappel Progress Note 00102-00105	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — Hannappel Evaluation 00106-00110	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Hannappel Fax to Sarkisov Re:Kaiser paycheck stubs 00111-00119	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
ICA — Notice of Cancellation & Award 00130-00131	Privilege – Colorado Casualty withheld the document contained at page 00130 on privilege grounds.

Plaintiffs' Exhibit Description	Objection & Grounds
TOCA — Fax Cover Sheet Re: Physical Therapy Autho 00133-00134	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Gateway Surgery Center — Operative Report 00135-00136	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — Hannappel Physical Examination 00142-00143	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — Hannappel Medical Records Date stamped 02/14/12 00151-00153	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Gateway Surgery Center — Operative Report 00154-00157	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
UPS— Mail Shipment Label 00158-00159	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action

Plaintiffs' Exhibit Description	Objection & Grounds
TOCA — Hannappel Medical Records 00160-00161	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
ICA — Average Monthly Wage 00162	No Objection
TOCA — Fax to Gulstrom Traumatic Arthropathy 00163-00165	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Colorado Casualty — Gulstrom Ltr to Lederman 00166-00167	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence
TOCA — Hannappel Medical Records 00168-00169	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Co. Casualty — Lederman to Gulstrom Ltr Re: Treatment Plan 00177-00179	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — Physical Therapy Progress Note Re: Pain Remains Same 00184-00193	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Hannappel — Physical Progress Note 00194-00198	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — Physical Therapy Progress 00205-00207	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — PT Continue/Progress Note 00208-00218	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — Hannappel Medical Records 00237-00238	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Tartaglia Note— neuro consult 00259-00260	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
PT evaluation 00273	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
TOCA — Hannappel Medical Records 00301-00305	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — PT Progress Report 00306-00312	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Hannappel — Health Insurance Claim Form/PT Progress 00313-00319	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Hannappel — Neurological Report 00320-00323	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
ICA — Notice of Cancellation of Hearing 00324-00327	No Objection
Spratta email to Gulstrom Re: Hannappel work condition 00328-00329	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Gulstrom email to Sarkisov, G Re: DOS payment 00346-00347	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements

Plaintiffs' Exhibit Description	Objection & Grounds
	regarding supposedly unpaid bills that could potentially be offered for their truth
TOCA — Fax to Gulstrom Re: FCE request 00348-00349	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Lederman Note 00350-00352	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
FCE approved 00370-00372	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Goldstein Fax to Gulstrom Re: Functional Capacity Evaluation 00382-00399	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
NCS Close Claim 00410	No Objection
Sched Disability form 00411	No Objection

Plaintiffs' Exhibit Description	Objection & Grounds
TOCA — Lederman MMI 00413-00416	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Letter to Gulstrom Re:Notice of Perm Disability incorrect 00417-00420	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — Hannappel Medical Records 00421-00424	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
TOCA — PT Progress Report 00425-00429	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Letter to Gulstrom Re:Request to advance monthly LEC 00430-00431	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Mailing Receipt's 00432-00434	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action

Plaintiffs' Exhibit Description	Objection & Grounds
Email chain Re: Advance LEC 00435-00439	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Letter to Gulstrom Re: LEC Denial w/Fune Report 00440-00449	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Gulstrom letter to Sarkisov Re: LEC reconsideration 00450-00451	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
ICA — Findings and Award for Unscheduled Permanent Partial Disability 00454-00460	No Objection
ICA - Memorandum 00457-00461	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting the email contained at page 00461 into evidence.
ICA — Request for Hearing 00463	No Objection
Cascade — LEC Report 00464-00468	Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
ICA — Notice of Hearing (02/21/13) 00469-00470	No Objection
ICA — Request for Hearing 00477	No Objection
Hannappel letter to Co. Casualty 00479	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Sarkisov letter to Gulstrom with Lederman 10/26 — date stamped 11/28/11 00508-00513	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
ICA — Notice of Hearing (02/14/12) date stamped 11/28/12 00514-00515	No Objection
ICA — Request for Hearing 00516-00518	Relevance (FRE 401) - The document at page 00518 is not relevant to any fact of consequence in this action
Fax to Gulstrom Re:Kaiser/Hannappel Attorney Letter 00519-00528	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
Cascade — LEC Report 00529-00533	Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
ICA — Notice Of Hearing (02/21/13) 00534-00539	No Objection
Nayhouse/Gulstrom emai Is Re: FCE & IME 00562-00566	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Privilege – Colorado Casualty withheld the documents contained at pages 00562-0563 on privilege grounds.
Payment ledger CCAS-CF00636-645	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Claim notes CCAS-CF00646-00675	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Dr. Lederman medical records and COR declaration TOCA SDT 00013-00036, 00088-104; 00110-113; 00189-196 00205-207	Hearsay (FRE 801) - The document contains hearsay statements relating to Mr. Hannappel's medical condition that could potentially be offered for their truth
EXCERPTS FROM GULSTROM'S TRAINING MATERIALS DISCLOSED BY DEFENDANT	
Excerpts from the ICA claims manual CCAS- 00001, CCAS-00089-00091	No Objection
A.R.S. §23-1047 CCAS- 0052-13	No Objection
A.R.S. §23-1061, 1062 CCAS-00513-517	No Objection
R20-5-163 CCAS-00618-621	No Objection
WC-NHT state specific Q&A guide — state of Arizona CCAS-01056, 01061, 01068, 01069	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
2011/2012 Best Practices CCAS- 00625-00640	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)

Plaintiffs' Exhibit Description	Objection & Grounds
Applying the workers' compensation claim handling guidelines CCAS-00642-653	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
Commercial lines workers' compensation disabling claim handling guidelines CCAS- 00657-668	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
Applying the workers' compensation claim handling guidelines — facilitator guide CCAS-00720-722	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
Applying the workers' compensation claim handling guidelines CCAS-00751	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)

Plaintiffs' Exhibit Description	Objection & Grounds
Training exercise CCAS-00767-772	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
The variable incentive plan CCAS- 01051-01055	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
The variable incentive plan — US plan document CCAS-01036-01050	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
"Our success begins with you" VIP plan CCAS-01052	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
Gulstrom — objective setting and performance evaluation — mid year CCAS-01005-01012	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)

Plaintiffs' Exhibit Description	Objection & Grounds
Gulstrom objective setting and performance evaluation — year end CCAS-00997-1004	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
Gulstrom handwritten notes CCAS-CF0071	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Notice of (unscheduled) permanent disability M H0086	No Objection
Paseo SDT 00003	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Tartaglia records 00020-00029	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Tartaglia SDT 00146-148	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Tartaglia Paseo SDT 00152-154	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Daily reports August —September 2011 Kaiser SDT 21-59	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Unemployment application Kaiser SDT 82-92	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Unemployment appeal SDT 100-104	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Sarkisov release authorizations KDBL 00195-196	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Decision Upon Hearing and Findings and Award for Unscheduled Permanent Partial Disability M H0802-807	No Objection
Entire claim file produced CCAS-CF 00001-00635	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The claim file contains multiple documents that contain hearsay statements that could potentially be offered for their truth
Tartaglia note re: neuro consult CCAS-CF 00259-00260	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
ICA — Notice of Average Monthly Wage 00330	No Objection
ICA — Findings & Award Approving Stipulation AMW 00331-00335	No Objection
TOCA — Hannappel Prescription "Continue Pt for Pain" 00339	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
TOCA — Physical Therapy Progress Rpt 00340- 00345	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
TOCA — Physical Therapy Progress Report 00373-00377	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
TOCA — Hannappel Medical Records 00378-00381	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
TOCA — PT Progress Report 00400-00404	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
TOCA — PT Progress Report 00405-00409	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Supp Care 00412	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
ICA — Request for Hearing 00471-00472	No Objection
ICA — Applicant's Compensability Interrogatories to Defendant Employer (491-502 one Duplicate) 00480-00490	No Objection
Letter to Gulstrom Rule 31 IV 00506-00507	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Purpose Ltr to Rockowitz 00548-00550	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Fax to Gulstrom — Hannappel IME 00551-00559	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Certified Medical Consultants— Service Fee 00560-00561	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Cascade — LEC Report 00596-00599	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Liberty Mutual — Hannappel letter 00608-00611	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Relevant pages of the insurance policy CCAS-POL -00001, 00021-00022	No Objection
WC-NAT-State Specific Q& A Guide— State of Arizona (complete) CCAS-010506-01113	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403)
Claim handling guidelines— complete Actual recording of Daniel Clem's recorded statement Actual recording Michael Hannappel's recorded statement Fune SDT CCAS-00641-996	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Prejudice outweighs probative value (FRE 403); Relevance (FRE 401) - The document is not relevant to any fact of consequence in this action; No probative value (FRE 403); Misstatement of materials – Plaintiffs contend that the documents contained at bates range 00641-996 are “claim handling guidelines,” but this is an inaccurate description of the documents bearing those bates numbers.
Hannappel resume and submission form 00119-125	Misstatement of materials – the bates range identified does not contain a prefix and the document is not described with enough detail for Colorado Casualty to determine whether the document is objectionable

Plaintiffs' Exhibit Description	Objection & Grounds
Dr. Tartaglia note Paseo SDT 00045-47	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Taraglia's note 2/24/12 Paseo SDT 0058-59	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Email chain Paseo SDT 00064	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Tartaglia note SDT 00073-75	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Kahlon Paseo SDT 00076-77	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Tartaglia 00086-87	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Altman Paseo SDT 00088-89	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Altman Paseo SDT 00090-91	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Altman Paseo SDT 00092-93	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Tartaglia Paseo SDT 00101-103	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Tartaglia Paseo SDT 00104-105	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Dr. Tartaglia Paseo SDT 00139-142	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Dr. Tartaglia Paseo SDT 00143-144	Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Check KDBL 000232	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Misstatement of materials – the document bearing bates label KBDL 000232 is not a check but a check display printout.
Priors list KDBL 000276-277	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence and the document contains unidentified handwriting for which no foundation has been laid; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
ICA prior records Video of Ronald Lampert M.D. IME KDBL 000278-402	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Email chain MH1065-1067	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth; Partial Record – Plaintiffs identify a partial email string that is not a complete record and page 1067 has not been produced in this action.
Email MH0968	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statement that could potentially be offered for their truth

Plaintiffs' Exhibit Description	Objection & Grounds
Email MH0969	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth
Email chain MH1050-1051	Lacks foundation (FRE 901) - Plaintiffs do not have a witness who can provide the foundation for admitting this document into evidence; Hearsay (FRE 801) - The document contains hearsay statements that could potentially be offered for their truth

Dated: April 14, 2014

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Justine Casey
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COLORADO CASUALTY INSURANCE
COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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